

Exhibit A

STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY

SUMMONS

CASE NO.
22-002687-NO
Hon. Patricia Perez Fresard

Court address : 2 Woodward Ave., Detroit MI 48226

Court telephone no.: 313-224-5173

Plaintiff's name(s), address(es), and telephone no(s)
Miller, Daniel T

v

Defendant's name(s), address(es), and telephone no(s).
Lumber Liquidators, Inc.
c/o CSC-Lawyers Incorporating Service
(Company)
2900 West Road, Suite 500
East Lansing, Michigan 48823

Plaintiff's attorney, bar no., address, and telephone no

Guy C. Vining 27892
20500 Eureka Rd Ste 300
Taylor, MI 48180-6395**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☒ this court, ☐ _____ Court,where it was given case number 22-000602-NF and assigned to Judge Patricia Perez Fresard.The action ☒ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date
3/8/2022Expiration date*
6/7/2022Court clerk
Angila Mayfield

Cathy M. Garrett- Wayne County Clerk.

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (9/19)

SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



PROOF OF SERVICE

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE****OR**☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

☐ I served personally a copy of the summons and complaint.

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with _____

List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled \$	Fee \$	
Incorrect address fee \$	Miles traveled \$	Fee \$	Total fee \$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.

Date

My commission expires: _____ Date Signature: _____

Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments

_____ on _____

Day, date, time

_____ on behalf of _____

Signature

Approved, SCAO

Original - Court
1st Copy- Defendant2nd Copy - Plaintiff
3rd Copy -ReturnSTATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY

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Signature _____

Name (type or print) _____

Title _____

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Date

My commission expires: _____ Date Signature: _____

Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments

on _____

Day, date, time

on behalf of _____

Signature

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

DANIEL T. MILLER,

Plaintiff,

Hon.: Patricia Perez Fresard

v.

Case No.: 22-002687NO

LUMBER LIQUIDATORS, INC.,
a foreign corporation,

Defendant.

VINING LAW GROUP, PLC
Guy C. Vining (P27892)
Attorney for Plaintiff
20500 Eureka Road, Suite #300
Taylor, Michigan 48180
(734) 281-2050
guy@vininglaw.net

LAW OFFICES OF R. THOMAS BIDARI, P.C.
R. Thomas Bidari (P41618)
Co-counsel for Plaintiff
204 Oak Street
Wyandotte, Michigan 48192
(734) 283-5100
lawoffices@wyandotte.org

A CIVIL ACTION BETWEEN THESE PARTIES OR OTHER PARTIES ARISING OUT OF THE SAME TRANSACTION IT HAS BEEN FILED IN THIS COURT WHERE IT HAS BEEN GIVEN CASE NUMBER 22-000602-NF AND ASSIGNED TO JUDGE PATRICIA PEREZ FRESARD.

COMPLAINT

NOW COMES Plaintiff, Daniel T. Miller, by and through his attorneys, and for his Complaint against Defendant, states as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff is an individual who resides in the State of Michigan.
2. Upon information and belief, Defendant is a foreign corporation which does

business on a continuous basis in this State.

3. This matter involves a personal injury sustained by Plaintiff at Defendant's premises located at 13080 Inkster Road, Redford Township, Michigan, caused by an employee of Defendant.

4. Jurisdiction is proper pursuant to MCL 600.605 and MCL 600.571.

5. Furthermore, jurisdiction in this Court is proper as Plaintiffs seek equitable relief and damages in excess of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00).

6. Venue in this Court is proper pursuant to MCL 600.1621.

COMMON ALLEGATIONS

7. Plaintiff incorporates by reference the preceding paragraphs as if set forth herein.

8. That on January 19, 2021, Plaintiff was a business visitor at Defendant's Inkster Road location.

9. That his purpose was to pick up flooring for the remodeling of his personal residence in Southgate, Michigan, which had earlier been ordered.

10. That during the loading process Defendant used the services of one of its hi-lo driver employees.

11. The employee was constantly distracted while operating the hi-lo with telephone calls.

12. That the flooring was packaged in numerous boxes sized approximately 8" x 4' and each was heavy.

13. The flooring boxes were on a 4' x 4' wooden pallet.

14. The pallet was too wide to fit in the cargo area of Plaintiff's 2016 Ford Transit

150.

15. That the hi-lo driver pulled the forks of the hi-lo to the bed of the Ford Transit and Plaintiff and his friend, who were in the cargo area, commenced unloading the boxes and stacking them.

16. As the van was loaded the layer of boxes on the pallet was lowered and more difficult to pack up and stack.

17. Plaintiff asked the hi-lo driver to elevate the forks to ease the difficulty of lifting; but, instead he caused the hi-lo to move forward and pin Plaintiff's left foot.

18. That Plaintiff was caused to violently twist and fall in extricate his foot and ankle from the encroaching pallet.

19. That Defendant's employee gave no warning that he was pulling the hi-lo forward.

20. As a result, Plaintiff suffered severe and permanent injuries to his foot and to his back.

COUNT I

NEGLIGENCE

21. Plaintiff repeats all earlier paragraphs and further states as follows:

22. Defendant as the entity in charge of its equipment and its employees owed to the Plaintiff the duty to exercise reasonable care to operate its heavy equipment for Plaintiff's safety.

23. Defendant breached its duty and was negligent. Its negligence includes, but is not limited to the following acts and omissions:

- A. It failed to select, employ, and retain in its service a careful and competent employee for the undertaking of inherently dangerous work (i.e., loading of

heavy materials).

- B. It failed to warn Plaintiff of the hazards of the loading process and/or work out signals for all clear for continued loading.
- C. It failed to carefully observe Plaintiff's position in the bed of his truck.
- D. Operating heavy and dangerous equipment while being distracted by telephone calls.
- E. Disengaging the hi-lo from neutral and releasing the parking brake.
- F. Moving the hi-lo forward without warning.
- G. Failed to provide adequate job supervision and inspection.

24. Defendant is vicariously liable for the negligent acts and omissions of its employee in the course of his employment.

25. The acts or omissions of Defendant and its employee were a direct and proximate cause of Plaintiff's injuries and damages.

26. Plaintiff sustained severe, permanent, and irreversible injuries, including but not limited to, his foot and his spine, all past, present and future. Including:

- A. The loss of earnings and earning capacity,
- B. Medical, hospital, surgical, and nursing expenses for his care, treatment, and management.
- C. The loss of enjoyment of life.
- D. Pain, suffering, and anguish, both mental and physical.
- E. Disfigurement and disability.

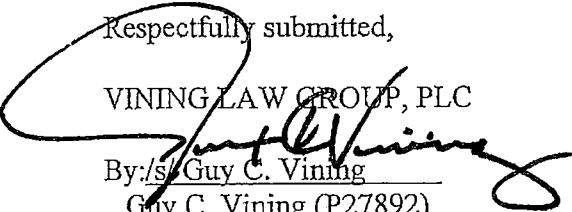
PLAINTIFF REQUESTS that this court enter judgment against Defendant for an amount in excess of \$25,000.00 and in whatever amount is fair, just, and equitable for the injuries and

damages so wrongfully sustained by Plaintiff, including but not limited to all compensatory damages, interest, costs, and attorney fees, as well as other damages allowed in law or equity.

Page 11,
Dated: February __, 2022

Respectfully submitted,

VINING LAW GROUP, PLC

By:  /s/ Guy C. Vining

Guy C. Vining (P27892)

Attorney for Plaintiff

20500 Eureka Road, Suite #300

Taylor, Michigan 48180

(734) 281-2050

guy@vininglaw.net